

REMARKS

Careful consideration has been given by the applicants to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

Applicants note the Examiner's formal objection to Claim 12, and accordingly, appropriate amendatory action has been taken to delete the inadvertent double inclusion.

Furthermore, applicants note the Examiner's rejection of Claims 6-9 under 35 U.S.S. §112, second paragraph, inasmuch as these claims are improperly dependent from Claim 1, rather than Claim 2.

However, in view of the amendments, as set forth hereinbelow and as discussed, the particular formal grounds of rejection have also been rendered moot.

Concerning the prior art, applicants note the Examiner's rejection of Claims 1-3, 6 and 9-12 under 35 U.S.C. §102(a) as being anticipated by Inoue, et al., U.S. Patent Publication No. 2003/0188530, as extensively detailed in the Office Action; and the rejection of Claim 4 under 35 U.S.C. §103(a) as being unpatentable over Inoue, et al. and further in view of Wolcott, et al., U.S. Patent No. 6,079,313; whereas Claim 5 has been rejected as being unpatentable over Inoue, et al. in view of Brosch, et al., U.S. Patent Publication No. 2003/0136359.

However, applicants gratefully note the Examiner's indication that at least Claims 7 and 8 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, if rewritten to include all of the limitations of the base claim and any intervening claims.

However, upon careful consideration of the art, applicants respectfully submit that the claims which are of a somewhat broader scope are also deemed to be in condition for allowance.

Accordingly, applicants have amended the claims to incorporate the limitations of Claims 1-4 into a single independent Claim 1, wherein the amended Claim 1 sets forth features of which are in no manner deemed to be disclosed in the prior art. Hereby, the amended Claim 1, which, as indicated, incorporates the limitations of Claims 2, 3 and 4, sets forth that the cylinder bores of a first group is connectable to a first hydraulic circuit and is connected to a first and third kidney control port and the cylinder bores of a second group which is connectable to a second hydraulic circuit is connected to a second and fourth kidney control port formed on a common divided circle. None of these particular features, as disclosed and claimed in combined Claims 1-4, are deemed to be known or even remotely suggested in the art of record.

Reverting to the art, applicants submit as follows:

Inoue, et al. discloses a pump for connecting a first and second group of cylinder bores on one side with two separated ports and on the other side with a common port B. Inasmuch as there is provided a common port for feeding the two different groups of cylinder bores in this patent, the pump is not suited for use in connection with closed hydraulic circuit.

As illustrated, Wolcott, et al. also fails to provide any suggestion for amending a piston pump as in Inoue, et al. for the use in closed hydraulic circuits. Hereby, Wolcott, et al. provided for a first group of pistons (outer pistons), which is connectable to a first hydraulic circuit (Column 9, Lines 55-67), as connected to a first (44a) and a third (44b) kidney control port. A second group of pistons (inner pistons) is connectable to a second hydraulic circuit,

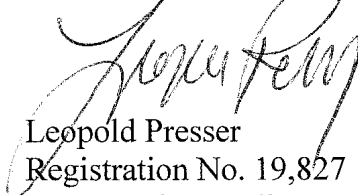
which is connected to a second (44a') and a fourth (44b') kidney control port, wherein the first group and the second group are arranged on two different circles. However, there is no disclosure of a single common circle for both groups of hydraulic circuits, especially when considered in the context of space saving. In particular, the subject matter of Wolcott, et al. relates to piston array pumps utilized for analytical instrumentation (Column 1, Lines 1-10), in which the employed fluid is not used to transport forces by means of a fluid, but merely the fluid per se. This is subject to the disadvantage that no space-saving hydrostatic piston pump is possible enabling operation in two mutually corresponding hydraulic circuits for transporting forces, irrespective as to whether Inoue, et al. or Wolcott, et al. are considered alone or a combination of Inoue, et al. and Wolcott.

From the foregoing, it is clearly apparent that the prior art, whether considered singly or in combination, fails to in any manner describe the present invention. In particular, the secondary reference to Brosch, et al. is not in any manner applicable to the present invention, and upon the herewith presented combination of Claims 1-4, none of these publications of record are deemed to be applicable to the invention, as claimed.

Accordingly, inasmuch as the claims are clearly and unambiguously directed to allowable subject matter, and in view of the presence of already allowable claims, the early and favorable reconsideration and allowance of the application by the Examiner is earnestly solicited. In particular, it is emphasized by the applicants that none of the references are directed to the provision of a hydrostatic piston machine which enables the operation in two mutually corresponding hydraulic circuits possessing minimal overall space requirements.

Accordingly, in view of the foregoing, the early issuance of the Notice of Allowance is earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicants' attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



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